

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROLEX WATCH U.S.A., INC.,

Case No. C-08-80125 Misc MMC (JCS)

Plaintiff(s),

v.

**NOTICE OF REFERENCE, TIME
AND PLACE OF HEARING**

CAPETOWN DIAMOND CORPORATION,
ET AL.

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to Magistrate Judge Joseph C. Spero for resolution of a Motion to Quash Subpoena Duces Tecum filed by Plaintiff, Rolex Watch U.S.A., Inc., and non-party J. Thomas McCarthy (the "Motion") and all future discovery matters.

The hearing on the Motion has been set for **July 25, 2008, at 9:30 a.m.**, in Courtroom A, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California. The opposition(s), if not already filed, shall be filed and served no later than twenty-one (21) days prior to the hearing. Any reply to the opposition(s) shall be filed and served no later than fourteen (14) days prior to the hearing. All documents shall be filed in compliance with Civil L. R. 7-2 through 7-5. Documents not filed in compliance with those rules will not be considered by the Court. Any party seeking an award of attorney's fees or other expenses in connection with this motion shall file a motion in accordance with Civil L. R. 37-3.

LAW AND MOTION PROCEDURES

Civil law and motion is heard on Friday mornings, at 9:30 a.m., in Courtroom A, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California.

In the event a **discovery dispute** arises, IT IS HEREBY ORDERED that before filing any discovery motion before this Court, the parties must comply with the following:

1. Lead trial counsel for both parties must meet and confer *in person* regarding the matter(s) at issue. This meeting shall occur after other efforts to resolve the dispute, such as telephone, e-mail, teleconference, or correspondence, have been unsuccessful. Once those efforts have proved unsuccessful, any party may demand a meeting of lead trial counsel to resolve a discovery matter. Such a meeting shall occur within ten (10) business days of the demand. The locations of the meetings shall alternate. The first meeting shall be at a location selected by counsel for Plaintiff(s). If there are any future disputes, the next such meeting shall be held at a location to be determined by counsel for Defendant(s), etc.
2. Within five (5) business days of the in-person meeting between lead trial counsel referred to above, the parties shall jointly file a detailed letter with the Court, which will include the matters that remain in dispute, a detailed substantive description of each side's position on each such issue, and a description of each side's proposed compromise on each such issue.
3. After the Court has received the joint letter, the Court will determine what future proceedings, if any, are necessary.

In the event that the parties continue to be unable to resolve the matters regarding the timing and scope of discovery, the Court will consider what future actions are necessary. These actions may include the following: (1) sanctions against a party failing to cooperate in the discovery process and meet and confer in good faith, as required by this Order, the Federal Rules of Civil Procedure, and the Local Rules of this Court; and/or (2) requiring the Chief Executive Officers of each party to attend the in-person, meet-and-confer sessions described above. The Court is not entering either of

1 these matters as an Order of the Court at this time, and fully expects counsel to meet their
2 obligations under this Order and under the Local Rules.

3 A party or counsel has a continuing duty to supplement the initial disclosure when required
4 under Fed. R. Civ. P. 26(e)(1).

5 Law and motion matters may be submitted without argument upon stipulation of the parties
6 and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil L.
7 R. 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7) days of the
8 date for service of the opposition. Thereafter, leave of the Court must be sought.

9 All filings of documents relating to motions referred to the undersigned shall list the civil
10 case number and the district court judge's initials followed by the designation "(JCS)".

11 **ELECTRONIC FILING AND COURTESY COPIES**

12 Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of
13 California for information relating to electronic filing procedures and requirements.

14 **BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC**
15 **FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE**
16 **PAPER COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS'**
17 **COPY."** All filings of documents relating to motions referred to the undersigned shall list the civil
18 case number and the district court judge's initials, followed by the designation "(JCS)".

19 The failure of counsel or a party to abide by this Order may result in sanctions pursuant to
20 Fed. R. Civ. P. 16(f).

21 IT IS SO ORDERED.

22
23 Dated: June 25, 2008

24 
25 **JOSEPH C. SPERO**
26 United States Magistrate Judge
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROLEX WATCH USA,
Plaintiff,

Case Number: CV08-80125 MMC

CERTIFICATE OF SERVICE

v.

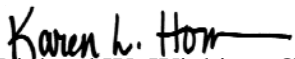
CAPETOWN DIAMOND CORP et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 26, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Donald Andersen
Catherine Banich
Stites & Harvison
303 Peachtree Street, NE,
2800 Suntrust Plaza
Atlanta, GA 30308

Dated: June 25, 2008


Richard W. Wieking, Clerk
By: Karen Hom, Deputy Clerk